IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LESTER LEVI	ENSON,)
	Plaintiff,)
	v) 2:15-cv-1461
ZEP, INC.,	D.C. I.)
	Defendant.)

MEMORANDUM ORDER

Now pending before the Court is a MOTION FOR RECONSIDERATION OF REMAND (ECF No. 4) filed by Defendant Zep, Inc. ("Zep"). Although Plaintiff did not file a response to the motion, as ordered, on April 7, 2015 the parties filed a Joint Stipulation that the amount in controversy exceeds \$75,000. (ECF No. 6). In response to the Court's Order of April 11, 2015, which explained that such Joint Stipulation was insufficient to demonstrate jurisdiction, the parties have submitted an Affidavit of Plaintiff, Lester Levenson, which sets forth his commission earnings and theory of damages in this case (ECF No. 8).

This case involves an employment dispute. It was originally filed by Plaintiff in the Court of Common Pleas of Washington County, Pennsylvania and removed by Zep. On November 10, 2015, after reviewing the Complaint and the contract documents attached thereto, the Court determined that the amount in controversy requirement had not been met, and remanded the case to the state court.

The next day, Zep filed the instant motion for reconsideration. The motion has remained pending for five months, primarily due to the ongoing inability of Plaintiff's counsel to file his response on the Court's CM/ECF system. Based on the Joint Stipulation and the supporting Affidavit, it now appears that there is a plausible argument that the amount in controversy

exceeds \$75,000, such that the Court may properly exercise jurisdiction over this case. In

summary, Plaintiff seeks lost compensation and commissions for multiple years.

In accordance with the foregoing, the MOTION FOR RECONSIDERATION OF

REMAND (ECF No. 4) is **GRANTED**. The Court hereby rescinds its November 10, 2015

Order of Remand to the Court of Common Pleas of Washington County, Pennsylvania and

hereby reopens the case. Defendant shall file its Answer on or before May 11, 2016.

Plaintiff's counsel shall personally contact the CM/ECF Help Desk to resolve his

problems with use of the CM/ECF system FORTHWITH. Contact information and a User

Manual are readily available on the Court's website, www.pawd.uscourts.gov.

SO ORDERED this 20th day of April, 2016.

BY THE COURT:

s/Terrence F. McVerry

Senior United States District Judge

Mark C. Stopperich, Esquire cc:

Email: mcs@msa-fal.com

Brian D. Balonick, Esquire

Email: brian.balonick@bipc.com

2